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May 14, 2008

BY ECF

Hon. Loretta A. Preska  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: United States v. Pedro Escobedo  
S1 07 CR 443 (LAP)

Dear Judge Preska:

I submit this letter on behalf of Mr. Pedro Escobedo, the above-referenced defendant, to provide the Court with additional information relevant to his sentencing, and to request a non-guidelines sentence.

Pedro Escobedo is forty-five years old. He is a loving husband and a devoted father. He came to this country over twenty-five years ago to find work and make a better life for himself. He worked hard and sent some of his earnings back to his native country to help support his parents and siblings. He eventually married, started a family, and more than ten years ago, became a United States citizen.

Pedro Escobedo has always been a good citizen. Viewed against the totality of his more than forty years without a criminal conviction<sup>1</sup>, Mr. Escobedo's involvement in the instant offense is obviously an aberration in an otherwise law-abiding life.

Pedro Escobedo deeply regrets his involvement in the instant offense. This regret is shared by many people- individuals upon whom Pedro Escobedo has had a positive impact and who can

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<sup>1</sup>Over fifteen years ago, Mr. Escobedo pled guilty to Driving While Impaired, V.T.L. § 1192 (1), a violation, not a crime.

Hon. Loretta A. Preska - page 2 -

May 14, 2008

scarcely believe that he could be involved in anything illegal. Some of these friends, relatives, and neighbors have written letters on his behalf which are being submitted to the Court under separate cover.

The letters and the PSR clearly demonstrate that Pedro Escobedo has lived an exemplary life: he has exceptionally strong family ties and is a valued friend and respected member of his community. He has made a positive contribution in the various facets of his life. He has always worked hard at legitimate jobs to support his wife and children.

The unabated love and concern that Mr. Escobedo's family and friends continue to show for him is perhaps the best evidence of Mr. Escobedo's character. They are aware of his situation and upset about his conviction. But they continue to remain supportive and to visit and write to him. They have assisted him in any way they can throughout this ordeal and will continue to do so upon his release.

Extended incarceration will have an especially devastating impact on his family. Mr. Escobedo's wife, Liliana, has been sick for some time and is very dependent upon him. She suffers from epilepsy and can no longer take advantage of the medical benefits that were previously provided through Mr. Escobedo's job. In addition, she was recently advised that she was not considered a permanent employee at her job and would only be called on an "as needed" basis further depleting their already insufficient income. Even prior to his arrest, it was Pedro who did many of the household tasks, such as the cooking, and who took care of many of the parental responsibilities, including, for example, helping with homework. Mr. Escobedo is a devoted father, and his efforts have borne fruit in his children. Last year, his eleven-year-old daughter, Lily Tatiana, was recognized as the student of the year.

How then did this hard-working, middle-aged husband and father with no prior criminal convictions get caught up in the instant offense? Trying to make ends meet and to provide for his family, Pedro Escobedo made a stupid mistake and agreed to pick up drugs from a mule at a hotel near La Guardia Airport and deliver them in New York. He had almost no knowledge of the scope of the conspiracy, was misled regarding aspects of his involvement, and received relatively little compensation. Pedro Escobedo is not denying his guilt. He wants only for the Court to understand the limited extent of his role in the offense.

Mr. Escobedo has learned painful lessons from this ordeal. He fully realizes that the relatively small amount of money that he made in this conspiracy was not worth the pain and the embarrassment he caused to his community, his family and

Hon. Loretta A. Preska - page 3 -

May 14, 2008

himself. This realization, together with the fact that he is not a young man, make it highly unlikely that he will ever make such a mistake again. While on pretrial supervision, he was fully compliant. Since his incarceration, he has been a model detainee. Continued incarceration is unnecessary to protect the public from future criminal conduct by Pedro Escobedo.

Mr. Escobedo respectfully requests that he serve any period of incarceration in an institution close to his family, where he can participate in counseling and job training.

Since the guidelines are now advisory, the sentencing table and the restrictions on probationary sentences, sentences of home confinement, and split sentences in U.S.S.G. §§ 5A, 5B1, and 5C1 are also advisory. We respectfully request that the Court consider a non-jail alternative as part of any sentence.

In light of the facts and circumstances discussed herein, we implore the Court to fashion a reasonable sentence pursuant to the factors found in 18 U.S.C. § 3553(a), a sentence that will help this good man return to his family and once again be a contributing member of his community.

For all of the above reasons, Mr. Escobedo respectfully submits that this is a case in which mitigating circumstances exist of a kind, and to a degree, not adequately taken into consideration by the guidelines. He respectfully submits that consideration of the factors outlined in 18 U.S.C. § 3553(a) requires that Mr. Escobedo should receive a statutory ("non-guidelines") sentence, and that a non-jail alternative would be sufficient, but not greater than necessary, to satisfy the purposes of sentencing.

Respectfully submitted,

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BRUCE McINTYRE  
Attorney for Pedro Escobedo

cc: Avi Weitzman, Esq.  
Assistant U.S. Attorney